



## State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

## Department of Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF WATER QUALITY  
Erica Brown Gaddis, PhD  
*Director*

**Water Quality Board**  
Myron E. Bateman, Chair  
Jennifer Grant, Vice-Chair  
Clyde L. Bunker  
Steven K. Earley  
Gregg A. Galecki  
Michael D. Luers  
Alan Matheson  
David C. Ogden  
Dr. James VanDerslice  
Dr. Erica Brown Gaddis  
*Executive Secretary*

### ***MINUTES***

### ***UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY***

### ***UTAH WATER QUALITY BOARD***

195 N 1950 W

Salt Lake City, UT 84116

February 28, 2018

### **UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Myron Bateman

Clyde Bunker

Steven Earley

Alan Matheson

David Ogden

Jim VanDerslice

Excused: Michael Luers, Jennifer Grant, Greg Galecki

### **DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Erica Gaddis, Kim Shelley, Brenda Johnson, Savannah Miller, Marsha Case, Chris Bittner, Jerry Rogers, Skyler Davies, Jim Harris, Emily Cantón, Ken Hoffman, Carl Adams, Amy Dickey

### **OTHERS PRESENT**

#### **Name**

Ariel Calmes

Alex Buxton

Jay Olsen

#### **Organization Representing**

Western Resource Advocates

Zions

UDAF

Mr. Bateman called the Board meeting to order at 9:30 AM and took roll call for the members of the Board and audience.

### **APPROVAL OF MINUTES OF THE DECEMBER 4, 2017 MEETING**

**Motion:** Mr. Bunker moved to approve the minutes of the December 4, 2017 meeting. Mr. Earley seconded the motion. The motion passed unanimously.

**APPROVAL OF MINUTES OF THE JANUARY 24, 2018 MEETING**

**Motion:** Mr. Bunker moved to approve the minutes of the January 24, 2018 meeting. Dr. VanDerslice seconded the motion. The motion passed unanimously.

**EXECUTIVE SECRETARY REPORT**

- Dr. Gaddis provided a Legislative update regarding current bills relative to the Board.
  - HB365 amends the original statute that requires any TMDL that would cost facilities more than \$10 million to go before a Legislative Committee and any TMDL that would cost facilities more than \$100 million to go before the full Legislature for approval. The amendment adds “any WQB approved rule or water quality standard.” The first substitute narrowed the language to focus on nutrient and ammonia rules and standards. It also adds that the \$10 million will be either 20 years of operational cost or a \$10 million capital investment.
  - HB381 is for an Agricultural Water Optimization Taskforce where DWQ will have one of seven votes. The purpose is to find innovative ideas to reduce water consumption and depletion in the agricultural sector. There is a \$1.275 million budget coming from a number of restricted accounts.
  - HB272 is for the Utah Lake Amendments. The bill directs to provide a mechanism to dispose of State land in exchange for the execution of a project that would result in the comprehensive restoration of Utah Lake. There is currently a proposal in the works to establish islands on the lake for development. The funding for the proposal would come from that development.
- TBPEL requests were due January 1<sup>st</sup> this year. The Division received requests from 25 different facilities, most being POTWs. 35 requests came in total: 9 “clearly unnecessary”, 18 “due diligence”, and 8 “innovative alternatives”. Water Quality also proactively issued 6 to facilities without requests due to a TMDL.
- The Utah Lake Water Quality Study Committee has met twice and is making progress, although it is slower than anticipated. Nominations to find scientists for the science panel are due Friday, March 2<sup>nd</sup>. The decision meeting is scheduled for March 12<sup>th</sup>.
- Salem City has also provided an update on the loan approved by the Board to upgrade to a mechanical facility. The project is now estimated to come in higher than originally anticipated, and the City is expected to come back to the Board to request more funds as well as extend the terms of the loan to keep the payments the same. It’s estimated to be \$20 million for 30 years.
- The Board was also provided with an update on the Storm Water Initiatives Program funded through the South Davis Sewer District loan. The Division solicited communities for

innovative, low impact development projects to use as demonstrations and will be bringing those projects to the Board in March.

- There have also been outreach events with home builders around that state to better understand concerns regarding the general construction storm water permit as well as the post-construction rule that will come into play in 2019. They shared concerns regarding issues with inconsistency in the way the MS4 permit is implemented and applied in different municipalities. The Division will be working internally to come up with a solution.

### **FUNDING REQUESTS**

**Financial Reports:** Ms. Cantón updated the Board on the 2017 Annual Report and the 2018 Intended Use Plan, as indicated in the packet.

**Motion:**        **Mr. Ogden moved to approve a 30-day Public Notice review of the Intended Use Plan. Dr. VanDerslice seconded, and the motion passed unanimously.**

**HB381 Agricultural Water Optimization Fund:** Mr. Harris presented a request for the one-time Hardship Grant contribution of \$100,000 for the Agricultural Water Optimization Fund that is proposed in HB381 to create a Task Force that will identify critical issues to agricultural water supply.

**Motion:**        **Mr. Earley moved to authorize a one-time contribution from the Hardship Grant of \$100,000 contingent on HB381 passing. Dr. VanDerslice seconded the motion, and the motion passed unanimously.**

### **RULE MAKING**

**Request to initiate rulemaking to adopt TMDL by reference into R317-1-7:** Ms. Dickey requested to initiate rulemaking after completing a TMDL study to address water quality impairments in the North Fork Virgin River.

**Motion:**        **Dr. VanDerslice moved to approve the request to initiate rulemaking. Mr. Earley seconded the motion, and the motion passed unanimously.**

### **OTHER BUSINESS**

**Invitation for Board members to serve as hearing officers for upcoming water quality standards public hearings:** Mr. Bittner extended an invitation to the Board members to participate in upcoming public hearings for water quality standards across the state. Mr. Earley tentatively accepted for Vernal, Mr. Bateman tentatively accepted for Salt Lake City, and Mr. Bunker tentatively accepted for St. George. Mr. Bittner will present the invitation again in March.

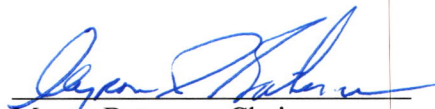
**Appointment of Jim Harris as Acting Executive Secretary:** Dr. Gaddis recommends that Jim Harris be appointed Acting Executive Secretary to the Water Quality Board in the event that she is unable to attend.

**Motion:** Mr. Earley moved to authorize the appointment of Jim Harris as Acting Executive Secretary in the absence of Dr. Gaddis. Mr. Bunker seconded the motion, and the motion passed unanimously.

**Research Funding Plan Discussion:** Mr. Harris introduced a proposal for funding to come from the Hardship Grant Fund totaling \$200,000 annually for scientific research projects. In order to create this funding mechanism, the Board would need to approve a rule change to increase the amount from \$1 million maximum to \$1.2 million in rule R317-101-7. He will present the request to initiate rulemaking in March or April.

To listen to the full recording of the Board meeting go to: <http://www.utah.gov/pmn/index.html>

**Next Meeting – March 28, 2018**

  
Myron Bateman, Chair  
Utah Water Quality Board